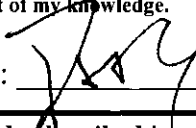
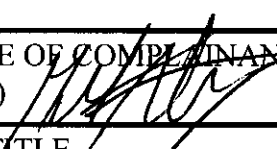
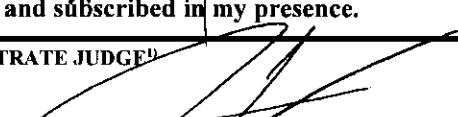


United States District Court		RECEIVED DISTRICT of ARIZONA DOCKET NO. FEB 12, 2009 U.S. DISTRICT COURT DISTRICT OF ARIZONA MAGISTRATE'S CASE NO. 09-01552M VICTIM CASE	
United States of America v. DENNIS SAMUEL BARAHONA-POSADA DOB: xx/xx/1977; Guatemala Citizen			
Complaint for violation of Title 18		United States Code § 111(a)(1)	
COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:			
<p>On or about February 11, 2009, at or near Nogales, in the District of Arizona, DENNIS SAMUEL BARAHONA-POSADA, did forcibly assault, resist, oppose, impede, intimidate or interfere with U.S. Border Patrol (USBP) Agent Miguel Rodriguez, an officer of the United States, Department of Homeland Security, while said officer was engaged in or on account of the performance of his official duties in violation of Title 18, United States Code, Section 111(a)(1).</p>			
BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:			
<p>On or about February 11, 2009, near Nogales, Arizona, USBP Agents were responding to ground surface radar near the 50's ridge and came upon two individuals laid up. When agents came within twenty feet of the individuals, they identified themselves as Border Patrol Agents. The two individuals stood up and ran. One of the individuals, DENNIS SAMUEL BARAHONA-POSADA, ran south. Agent Rodriguez went in search of the individual and encountered him hiding in tall grass. Agent Rodriguez identified himself as a Border Patrol Agent, turned on his flashlight and ordered the individual to show his hands. At this point, BARAHONA-POSADA stood up and was holding a large rock in his right hand and took two steps toward Agent Rodriguez. Agent Rodriguez drew his service weapon and ordered him to put the rock down. BARAHONA-POSADA said "No" and that he was "going to kill" him. At that point BARAHONA-POSADA ran North inside a cut. Agent Rodriguez called for backup on the radio. BARAHONA-POSADA was subsequently caught by Agent Doroteo Pena and after resisting arrest was handcuffed and taken to the USBP Station located in Nogales, Arizona for processing.</p>			
MATERIAL WITNESSES IN RELATION TO THE CHARGE:			
DETENTION REQUESTED Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge. PTB/rsh Authorized by AUSA: 		SIGNATURE OF COMPLAINANT (official title)  OFFICIAL TITLE Border Patrol Agent	
Sworn to before me and subscribed in my presence.			
SIGNATURE OF MAGISTRATE JUDGE 		DATE February 12, 2009	

¹⁾ See Federal rules of Criminal Procedure Rules 3 and 54